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Las Vegas, Nevada 89101
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Attorneys for Debtor(s)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

* * * * *

In the matter of:

Robaylon M. Bay and
Beatriz A. Bay,

Debtors.

Case No: BK-09-21814-LBR
Chapter 13

Date: December 17, 2009
Time: 2:30 p.m.

**MOTION TO VALUE DEBTORS' NON-PRINCIPAL RESIDENCE REAL
PROPERTY, AVOID WHOLLY UNSECURED LIEN(S) ENCUMBERING SAME,
AND TO MODIFY THE RIGHTS OF PARTIALLY SECURED LIENHOLDER(S)
AND OBJECTION TO LIENHOLDERS' PROOFS OF CLAIM, IF ANY**

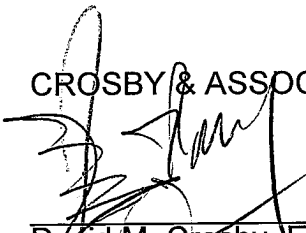
Come Now Debtors, Robaylon M. Bay and Beatriz A. Bay, by and through their legal counsel, David M. Crosby, Esq., of the law firm Crosby & Associates, who respectfully move this Court to value Debtors' non-principal residence, determine the second lien of BAC Home Loans Servicing, LP to be wholly unsecured and the first lien to be partially unsecured, to avoid said wholly unsecured lien and to modify the rights of said creditors accordingly including determining the claims pursuant to any proof(s) of claim which such lienholders may have filed to be unsecured where there is insufficient equity in the residence to secure more than the first lien.

This Motion is brought pursuant to 11 U.S.C. §502(a), §506(a), §1322(b)(2), and Bankruptcy Rules 3012 and 9014, the Points and Authorities set forth below and all documents and pleadings on file herein.

1 Dated this 27th day of October, 2009.

2 CROSBY & ASSOCIATES

3
4 By:

5 
6 David M. Crosby, Esq.
7 Attorney For Debtors

8 -----
9 **POINTS AND AUTHORITIES**

10 **I.**

11 **STATEMENT OF FACTS**

12 1. Debtors filed a Chapter 13 petition in United States Bankruptcy Court,
13 District of Nevada on July 2, 2009.

14 2. On the date of the petition, Debtors were the owners of real property used
15 as rental property known and described as 3814 Singing Lark Court, North Las Vegas,
16 NV 89032 (Exhibit "1") legally described as follows:

17 **Parcel I:**

18 Lot One Hundred Six (106) in Block Eight (8) of Final Plat of
19 Gleneagles Unit 3, as shown by map thereof on file in Book
20 99 of Plats, Page 37 in the Office of the County Recorder of
Clark County, Nevada.

21 **Parcel II:**

22 A non-exclusive easement of access, ingress, egress, use
23 an employment of, in, to and over the Association Property,
24 as set forth in the Declaration of Covenants, Conditions and
Restrictions and Reservation of Easement for Gleneagles
25 recorded October 5, 1999 in Book 991005 as Document No.
01489, as the same may from time to time be amended
26 and/or supplemented, in the Office of the County Recorder
of Clark County, Nevada, which easement is appurtenant to
Parcel One (1).

27 APN: 139-10-117-002
28

1 3. The value of said real property at the time Debtors' Chapter 13 Petition
2 was filed was \$74,704 as set forth more particularly in an internet appraisal of subject
3 property (Exhibit "2").

4 4. Said property at the time of filing was subject to the following lien
5 allegedly evidenced by Promissory Notes and Deeds of Trust:

6 First Mortgage: (Exhibit "3")
7 BAC Home Loans Servicing, Inc. \$159,460.15
8 P.O. Box 10219
9 Van Nuys, CA 91410-0219
10 Loan # XXXXXX9932

11 Second Mortgage: (Exhibit "4")
12 BAC Home Loans Servicing, Inc. \$ 20,245.80
13 1757 Tapo Canyon Road
14 Mail Stop: CA6-913-LB-11
15 Simi Valley, CA 93063
16 Loan # XXXXXX7711

17 5. As of the date Debtors' Chapter 13 Petition was filed no equity existed in
18 said property above the amount of the appraisal value of \$ 74,704 thereby leaving the
19 second loan to BAC Home Loans Servicing as wholly unsecured and the first loan to
20 BAC Home Loans Servicing as partially secured to the extent of the value of the
21 property. If said property were foreclosed or otherwise sold at auction on the date of the
22 petition, there would be insufficient proceeds to pay anything to BAC Home Loans
23 Servicing on the second loan and only partial payment to BAC Home Loans Servicing
24 on the first loan.

25 6. Debtors declare that the entire second claim of BAC Home Loans
26 Servicing is unsecured and the first claim of BAC Home Loans Servicing is only partially
27 secured such that all such unsecured debt should be reclassified as unsecured to share
28 pro rata with other general unsecured creditors through the debtors' Chapter 13 plan
with any proof(s) of claim filed by it modified accordingly to document the claim as
unsecured, and that the junior lien filed by BAC Home Loans Servicing, LP as identified
above encumbering subject property be properly avoided by Order of this Court and the

lien of BAC Home Loans Servicing on the first loan be modified accordingly by order of the Court.

II.

LEGAL ARGUMENT

A. The Restrictions of 11 U.S.C. § 1322(b)(2) Do Not Apply to Real Property Which is Not Debtor's Principal Residence.

11 U.S.C. §1322(b)(2) does not apply to this property as it is not Debtors' principal residence. That section provides:

(b) Subject to subsections (a) and (c) of this section, the plan may—

* * * * *

(2) modify the rights of holders of secured claims, other than a claim secured only by a security interest that is secured by an interest in real property that is the debtor's principal residence,

B. The Claims by Lienholders May be Bifurcated into Secured and Unsecured Claims Pursuant to 11 U.S.C. §506(a).

11 U.S.C. § 506(a)(1) provides in pertinent part:

(a)(1) An allowed claim of a creditor secured by a lien on property in which the estate has an interest, or that is subject to setoff under section 553 of this title, is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property, or to the extent of the amount subject to setoff, as the case may be, and is an unsecured claim to the extent that the value of such creditor's interest or the amount so subject to setoff is less than the amount of such allowed claim.

In re Zimmer, 313 F.3d 1220, 1221 (9th Cir.2002), accepted what was the majority view in the various circuits, that a, wholly unsecured lienholder is not entitled to the protection of 11 U.S.C. §1322(b)(2). The Court stated that a wholly unsecured lienholder's claim can be modified and reclassified as a general unsecured claim pursuant to 11 U.S.C. §506(a).

1 **C. Any Proof of Claim Filed by Named Lienholders Should be Conformed by**
2 **Order of This Court to any Modification of Their Rights Determined by This**
3 **Court.**

4 11 U.S.C. §502 provides that a claim of interest represented by proper Proof of
5 Claim filed pursuant to section 501 is deemed allowed unless objected to. Debtors
6 herewith objects to any and all Proof(s) of Claim which may have been filed by BAC
7 Home Loans Servicing, relative to its loan and request that any Proof(s) of Claim of
8 same representing such claims be modified accordingly to unsecured claims consistent
9 with the Order of this Court determining their claims to be wholly unsecured in the case
10 of thesecond lien and only partially secured in the case of the first lien.

11 **III.**

12 **CONCLUSION**

13 Debtors respectfully request determination of value of Debtors' non-primary
14 residence real property to be less than the amount of the first lien and argue that since
15 the junior claim is wholly unsecured, it may be completely avoided and "stripped off"
16 pursuant to 11 U.S.C. §506(a) and that the first claim of BAC Home Loans Servicing
17 may be modified, stripped down and reduced to the actual value of the property; that the
18 said claims be reclassified as general unsecured claims to be paid pro rata with other
19 general unsecured creditors through the debtors' Chapter 13 plan; that any Proof of
20 Claim of the lienholders be modified consistent with the actual value of the property.

21 WHEREFORE, Debtors pray that this Court:

22 1. Determine the value of Debtors' non-principal residence to be \$74,704 or
23 such other amount as the evidence may justify as of the date of the Petition; and

24 2. Avoid and extinguish the second lien of BAC Home Loans Servicing, Inc.
25 as wholly unsecured lien pursuant to 11 U.S.C. Section 506(a) upon completion of the
26 Debtor's Chapter 13 plan; and

27 3. Modify the first lien of BAC Home Loans Servicing as secured only to the
28 extent of the actual value of the property as of the date of the Petition to be paid through
the Chapter 13 Plan; and

1 4. Reclassify the second claim of BAC Home Loans Servicing, Inc. and the
2 non-secured portion of BAC Home Loans Servicing's claim as a general unsecured
3 claims to be paid pro rata with other general unsecured creditors through the Debtors'
4 Chapter 13 plan; and

5 5. Conform any Proof(s) of Claim filed by the claim of BAC Home Loans
6 Servicing to the secured/unsecured status of said claims as determined by this Court;
7 and

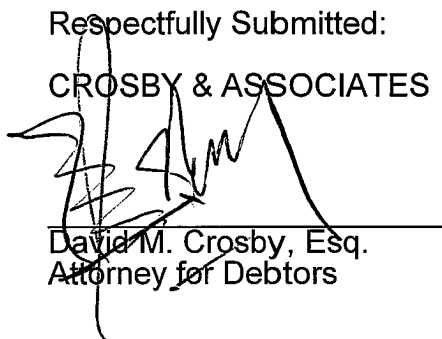
8 6. Order such other relief as the Court may deem appropriate.

9 Dated this 27th day of October, 2009.

10 Respectfully Submitted:

11 CROSBY & ASSOCIATES

12
13 By:

14 
15 _____
16 David M. Crosby, Esq.
17 Attorney for Debtors
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20040420-0005177
Fee: \$16.00 RPTT: EX#004
04/20/2004 14:28:30 T20040006552
Req: TICOR TITLE OF NEVADA INC
Frances Deane
Clark County Recorder Pgs: 4

APN 139-10-117-002

④-1

Space Above for Recorder's Use Only

Escrow No. 4030045-JL
R.P.T.T. \$ Exempt 4

QUITCLAIM DEED

THIS INDENTURE WITNESSETH: That Rosa P. Arevalo, an unmarried woman FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, hereby quitclaim to Beatriz A. Arevalo, a single woman all that real property in the County of Clark, State of Nevada, bounded and described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

It is the express intent of the grantor, being the spouse of the grantee, to convey all right, title and interest of the grantor, community or otherwise, in and to the herein described property, to the grantee as his/her sole and separate property.

Rosa P. Arevalo
Rosa P. Arevalo

SEE PAGE TWO (2) FOR NOTARY ACKNOWLEDGEMENT

EXHIBIT 1

NOTARY ACKNOWLEDGEMENT FOR QUITCLAIM DEED

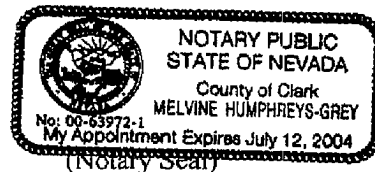
Escrow No. 4030045-JL

STATE OF NEVADA
COUNTY OF CLARK

} SS:

This instrument was acknowledged before me on April 15, 2004
by Rosa P. Arevalo

Melvine Humphreys-Grey
NOTARY PUBLIC



WHEN RECORDED MAIL TO:

Beatriz A. Arevalo
3814 Singing Lark Court
North Las Vegas, NV 89032

MAIL TAX STATEMENTS TO:

Beatriz A. Arevalo
3814 Singing Lark Court
North Las Vegas, NV 89032

Escrow No. 4030045-JL

**EXHIBIT A
LEGAL DESCRIPTION**

PARCEL ONE (1):

Lot One Hundred Six (106) in Block Eight (8) of Final Plat of GLENEAGLES UNIT 3, as shown by map thereof in Book 99 of Plats, Page 37, in the Office of the County Recorder of Clark County, Nevada.

PARCEL TWO (2):

A non-exclusive easement of access, ingress, egress, use and employment of, in, to and over the Association Property, as set forth in the Declaration of Covenants, Conditions and Restrictions and Reservation of Easement for Gleneagles recorded October 5, 1999 in Book 991005 as Document No. 01489, as the same may from time to time be amended and/or supplemented, in the Office of the County Recorder of Clark County, Nevada, which easement is appurtenant to Parcel One (1).

THIS IS A COPY



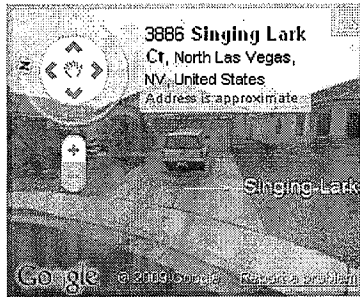
[Sign Up](#) | [Sign In](#)

Street Address Zip Code or City, State

[Home Values](#) [Local Info](#) [Find a Pro](#)

3814 Singing Lark Ct North Las Vegas, NV 89032

[Home Details](#) | [Recently Sold Homes](#) | [Similar Homes for Sale](#) | [Home Values](#) | [Schools](#)



Estimated Home Values:

eppraisal **\$74,704**

Low \$63,498 - High \$85,909

Zillow.com \$125,000

cyberhomes \$97,566

Helpful Links

- [Home Values Trends and Statistics](#)
- [Local Demographic Statistics](#)
- [Need Assistance Moving?](#)
- [Find Local Foreclosures](#)
- [Local Job Opportunities](#)
- [Rentals in the Area](#)
- [LendingTree Refinance Loans](#)

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[LendingTree Refinance Loans](#) [Find Foreclosures in 89032](#)

Home Details

Public Record		User Edits (Login or Register to edit.)	
Bedrooms:	3	Bedrooms:	N/A
Bathrooms:	2.00	Bathrooms:	N/A
Square Footage:	1170	Square Footage:	N/A
Year Built:	2001	Year Built:	N/A

[Home Details](#)

Home Appraisal Las Vegas

Real Estate, Jumbo & SFR appraisals Condo Townhome & Raw Land Appraisal

[Ads by Google](#)

[Recently Sold Homes](#) [Similar Homes for Sale](#)

Recently Sold Homes

Address	Sales Price	Sale Date	Bed/Bath	Sq. Ft.
635 Terrace Point Dr North Las Vegas, NV 89032	\$70,500	4/2/2009	3/2	1278
728 Heartland Point Ave North Las Vegas, NV 89032	\$85,000	5/12/2009	3/2	1170
3903 McGregor Way North Las Vegas, NV 89032	\$67,500	8/14/2009	3/2	1345
3621 Rose Canyon Dr North Las Vegas, NV 89032	\$80,000	6/12/2009	3/2	1300

US Appraisal Pros

Real Estate Appraisals
Professionals You Can Count On
www.USAppraisalPros.com

\$100K/Mo In Short Sales?

I Made \$118,619.87 In 1 Month
And I Never Messed With Banks
Or Brokers!
ShortSalesRiches.com

[Ads by Google](#)

Contact a local Real Estate Agent

Paul & Linda Watkins
ReMax Associates
9330 W. Sahara Suite 210
Las Vegas, NV 89117

(702) 722-9360
[Visit My Website](#)



[Contact Me](#)

(requires registration)

Paul & Linda Watkins are active Real Estate Investors. As Investors they are continually examining the Las Vegas area market for the best opportunities in Real Estate. Primarily focusing on investment properties, or they will gladly to help you find your Dream. They have put together 2 teams one that exclusively represents Investors who want to buy with confidence at the Court House steps or anywhere in the Clark County, and one that helps people find their Dream Home. How can we serve you?

[Become a local pro](#)

EXHIBIT 2

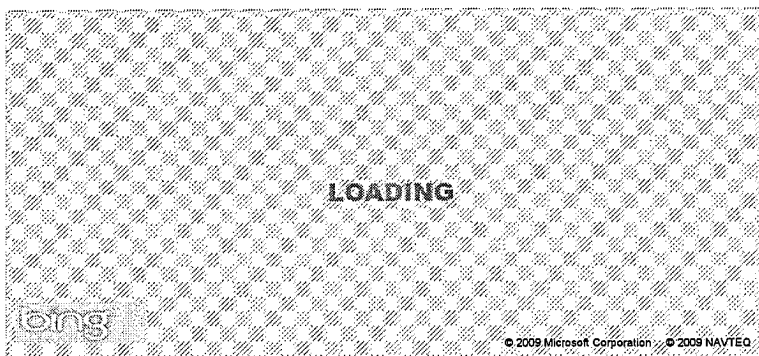
820 Harp Way
North Las Vegas, NV 89032

\$63,500

6/2/2009

3/2

1247

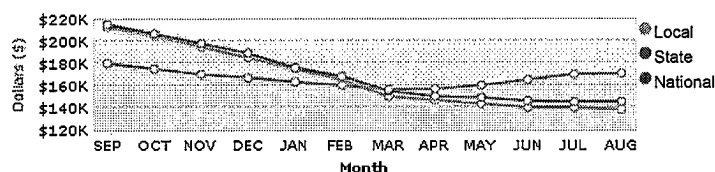


Recent Sales

North Las Vegas, NV Home Values

Home Value Trending

What's This



Home Data (as of August)

Median Sales Price: \$138,000 -1% (from last month)

Number of Sales: 2965

North Las Vegas Home Values

Local Jobs

North Las Vegas Schools

Public School District: Clark County School District

School Name	Level	Distance (miles)	Grades
Elizabeth Wilhelm Elementary School	Elementary School	0.22	PK, K-5
Marvin M. Sedway Middle School	Middle School	1.30	6-8
Canyon Springs High School and Leadership and Law Preparatory Academy	High School	0.49	9-12

North Las Vegas schools

North Las Vegas Real Estate Directory



Are you a real estate professional?
Join our directory. It's FREE!

Real Estate Agent

Paul & Linda Watkins

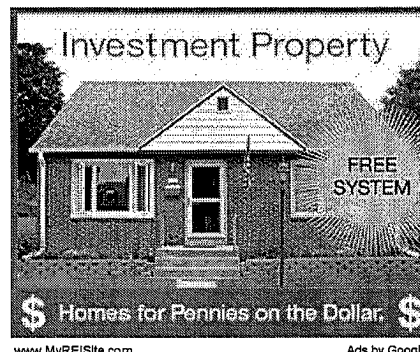
Address: 9330 W. Sahara Suite 210 Las Vegas, NV 89117

Phone: (702) 722-9360 Cell Phone: 7027685398

Nearby Cities

Current City: North Las Vegas, NV

- Las Vegas, NV
- Las Vegas, MI
- Mount Charleston, NV
- Henderson, NV



89032 Homes For Sale

3612 Silver Sand Ct North Las Vegas, NV 89032



\$269,000
4 Bedroom 2.5 Bathroom 1727 sq. ft.

Get an appraisal | View Listing

89032 Homes for Sale

89032 Demographics

Population (estimate): 13,254

Median Age: 26.4 years old

Families with Children: 83.0%

Median Household Income: \$42,728

89032 demographics

3814 Singing Lark Ct is in the 89032 ZIP code in North Las Vegas, NV. 3814 Singing Lark Ct has approximately 1170 square feet. 3814 Singing Lark Ct has 3 bedrooms and 2.00 bathrooms. 3814 Singing Lark Ct was last sold on 5/23/2001.

B10 (Official Form 10) (12/08)

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA		PROOF OF CLAIM
Name of Debtor: ROBAYLON M. BAY AKA ROY BAY AND BEATRIZ A. BAY AKA BEATRIZ A. AREVALO		Case Number: BK-S-09-21814-LBR Chapter 13
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): BAC HOME LOANS SERVICING, L.P. FKA COUNTRYWIDE HOME LOANS SERVICING, L.P.		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.
Name and address where notices should be sent: Jeremy T. Bergstrom, Esq., Attorney Bar No. 6904 MILES, BAUER, BERGSTROM & WINTERS, LLP 2200 Paseo Verde Pkwy., Suite 250 Henderson, NV 89052 Telephone number: (702) 369-5960		Court Claim Number: _____ (if known) Filed on: _____
Name and address where payment should be sent (if different from above): BAC HOME LOANS SERVICING, L.P. P.O. Box 10219 Van Nuys, CA 91410-0219 Telephone number: _____		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: \$ <u>159,480.15</u> If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of interest or charges.		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim.
2. Basis for Claim: <u>Money loaned</u> (See instruction #2 on reverse side.)		<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).
3. Last four digits of any number by which creditor identifies debtor: <u>CWF 9932 / MBBW File No.: 09-93786</u> 3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		<input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*), earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507(a)(4).
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ <u>not determined</u> Annual Interest Rate _____ % Amount of arrearage and other charges as of time case filed included in secured claim, If any: \$ <u>2,612.28</u> Basis for perfection: <u>Deed of Trust/Mortgage</u> Amount of Secured Claim: \$ <u>159,480.15</u> Amount Unsecured: \$ _____		<input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507(a)(5) <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507(a)(____).
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim. 7. Documents: Attach redacted copies of any documents that support claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACH DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:		Amount entitled to priority: \$ _____ *Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
Date: 08/21/09	Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. /s/ Jeremy T. Bergstrom, Esq. Jeremy T. Bergstrom, Esq., Attorney for Claimant / Attorney Bar No. 6904 Miles, Bauer, Bergstrom & Winters, LLP 2200 Paseo Verde Pkwy., Suite 250, Henderson, NV 89052 (702) 369-5960 / FAX (702) 369-4955 / File No. 09-93786	
		FOR COURT USE ONLY

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

EXHIBIT 3

UNITED STATES BANKRUPTCY COURT		DISTRICT OF Nevada	PROOF OF CLAIM
Name of Debtor: Robaylon M. Bay and Beatriz A. Bay		Case Number: 09-21814-lbr	
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.			
Name of Creditor (the person or other entity to whom the debtor owes money or property): BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP fka Countrywide Home Loans, Inc.		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.	
Name and address where notices should be sent: BAC Home Loans Servicing, LP 1757 Tapo Canyon Road Mail Stop: CA6-913-LB-11 Simi Valley, CA 93063		Court Claim Number: _____ (If known)	
Telephone number: (805) 955-5000		Filed on: _____	
Name and address where payment should be sent (if different from above):		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.	
Telephone number:		<input type="checkbox"/> Check this box if you are the debtor or trustee in this case.	
1. Amount of Claim as of Date Case Filed: \$ 20,245.80		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.	
If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.		Specify the priority of the claim.	
If all or part of your claim is entitled to priority, complete item 5.		<input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).	
<input checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principle amount of claim. Attach itemized statement of interest of charges.		<input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or Cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4).	
2. Basis for Claim: _____ Other Dated 10/19/04 (See instruction #2 on reverse side.)		<input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5)	
3. Last four digits of any number by which creditor identifies debtor: 7711 (C.094-5212)		<input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or households use - 11 U.S.C. §507 (a)(7).	
3a. Debtor may have scheduled account as: BAC Home Loans LP/ CTRYWDE (See instruction #3a on reverse side.)		<input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).	
4. Secured Claim: (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: 3814 Singing Lark Court, North Las Vegas, Nevada Value or Property: \$ _____ Annual Interest Rate _____ % Amount of arrearage and other charges as of time case filed included in secured claim, If any: \$ 311.55 Basis for perfection: Other Amount of Secured Claim: \$ 20,245.80 Amount Unsecured: \$ _____		<input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(____).	
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.		Amount entitled to priority: \$ _____	
7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)		*Amounts are subject to adjustment on 4/10/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.	
DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.			
If the documents are not available, please explain:			
Date: 08/17/09	Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.		
Polk, Prober & Raphael, A Law Corporation /s/ Sandra Martell			FOR COURT USE ONLY

EXHIBIT